

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

EDWIN WALLACE,	:	
Plaintiff,	:	
v.	:	Case No. 3:06-cv-255-KRG-KAP
TERRY LEE JORDAN, PHYSICIAN	:	
ASSISTANT at S.C.I. SOMERSET,	:	
Defendant	:	

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on February 12, 2010, docket no. 70, recommending that the remaining defendant's motion for summary judgment, docket no. 57, be granted, and that the plaintiff's motion for summary judgment, docket no. 61, be denied.

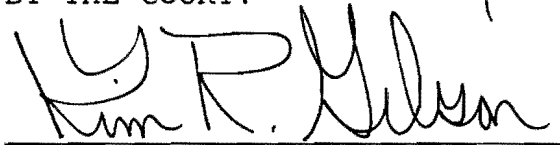
The parties were notified that, pursuant to 28 U.S.C. § 636(b)(1), they had ten days to file written objections to the Report and Recommendation. Plaintiff filed timely objections, docket no. 72, to which the remaining defendant filed a reply, docket no. 75. Plaintiff also filed a motion to extend time to produce an expert report, docket no. 73, but although the extension of time was granted, docket no. 74, no report has been filed and the time to do so has expired.

Upon de novo review of the record of this matter, the Report and Recommendation, and the timely objection and response thereto, the following order is entered:

AND NOW, this 29th day of March 2010, it is

ORDERED that the defendant's motion for summary judgment, docket no. 57, is granted, and that the plaintiff's motion for summary judgment, docket no. 61, is denied. The Report and Recommendation is adopted as the opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Kim R. Gibson', is written over a horizontal line.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice by ECF to counsel of record and by U.S. Mail to:

Edwin Wallace EE-1120
S.C.I. Somerset
1600 Walters Mill Road
Somerset, PA 15510

